

AMENDED IN SENATE MARCH 19, 2015

SENATE BILL

No. 227

Introduced by Senator Mitchell

February 13, 2015

An act to amend ~~Section 891~~ *Sections 917 and 919* of the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Mitchell. Grand ~~juries~~: *juries: powers and duties*.

Existing law authorizes a grand jury to inquire into all public offenses committed or triable within the county in which the grand jury is impaneled, sworn, and charged, and to present them to the court by indictment. Existing law requires a grand jury to inquire into willful or corrupt misconduct in office by a public officer in the county.

This bill would prohibit a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer, as specified, that led to the death of a person being detained or arrested by the peace officer.

~~Existing law makes it a crime for a person who, by any means whatsoever, willfully and knowingly, and without knowledge and consent of the grand jury, records, or attempts to record, all or part of the proceedings of any grand jury while it is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the proceedings of any grand jury of which he or she is not a member while that jury is deliberating or voting.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 917 of the Penal Code is amended to
2 read:

3 917. (a) The grand jury may inquire into all public offenses
4 committed or triable within the county and present them to the
5 court by indictment.

6 (b) *The grand jury shall not inquire into an offense that involves*
7 *a shooting or use of excessive force by a peace officer described*
8 *in Section 830.1, subdivision (a) of Section 830.2, or Section*
9 *830.39, that led to the death of a person being detained or arrested*
10 *by the peace officer pursuant to Section 836.*

11 SEC. 2. Section 919 of the Penal Code is amended to read:

12 919. (a) The grand jury may inquire into the case of every
13 person imprisoned in the jail of the county on a criminal charge
14 and not indicted.

15 (b) The grand jury shall inquire into the condition and
16 management of the public prisons within the county.

17 (c) The grand jury shall inquire into the willful or corrupt
18 misconduct in office of public officers of every description within
19 the county. *This subdivision does not apply to misconduct that*
20 *involves a shooting or use of excessive force by a peace officer*
21 *described in Section 830.1, subdivision (a) of Section 830.2, or*
22 *Section 830.39, that led to the death of a person being detained*
23 *or arrested by the peace officer pursuant to Section 836.*

24 ~~SECTION 1. Section 891 of the Penal Code is amended to~~
25 ~~read:~~

26 ~~891. A person who, by any means whatsoever, willfully and~~
27 ~~knowingly, and without knowledge and consent of the grand jury,~~
28 ~~records, or attempts to record, all or part of the proceedings of any~~
29 ~~grand jury while it is deliberating or voting, or listens to or~~
30 ~~observes, or attempts to listen to or observe, the proceedings of~~
31 ~~any grand jury of which he or she is not a member while that jury~~
32 ~~is deliberating or voting is guilty of a misdemeanor.~~

33 ~~This section is not intended to prohibit the taking of notes by a~~
34 ~~grand juror in connection with and solely for the purpose of~~

1 ~~assisting him or her in the performance of his or her duties as a~~
2 ~~juror.~~

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